

## **2004 Carry-Over Bills Assigned to VITA**

**HB 179 (Baskerville) Posting certain information on the Internet; prohibitions.** Extends the prohibition on court clerks posting on a court-controlled website any document that contains specific personally identifying information to agencies and agency-controlled websites beginning January 1, 2005. The exception for court clerks providing remote access to their records under certain circumstances is not extended to agencies, though the other exceptions are extended. The bill also repeals the sunset clause, making the prohibition permanent.

**HB 1304 (Ligamfelter) Privacy impact analysis; policies and guidelines for using invasive technologies; impact on civil liberties; JCOTS.** Requires public bodies to conduct a privacy impact analysis when authorizing or prohibiting the use of invasive technologies (e.g., radio frequency identification, tracking systems, facial recognition systems, hidden cameras, spyware, photo monitoring systems and Internet wiretaps) beginning July 1, 2006. The bill requires the Joint Commission on Technology and Science (JCOTS) to propose to the Governor and the 2006 General Assembly, by the first day of the 2006 Regular Session of the General Assembly, policies and guidelines for public bodies to follow in conducting the privacy impact analysis. In developing the policies and guidelines, the bill requires JCOTS to review the invasive technologies available for use, the current legal requirements of their use and the reasons for their use, their impact on civil liberties, and any safeguards that are or should be used to mitigate negative impacts.

**HB 1380 (Moran) Freedom of Information Act; electronic communication meetings.**

Authorizes the conduct of electronic communication meetings for local public bodies, including any political subdivision of the Commonwealth or any governing body, authority, board, bureau, commission, district or agency of local government or any committee thereof.

**HB 1389 (Nixon) Technology Trust Fund Fee.** Authorizes the Virginia Information Technologies Agency to impose a civil penalty of up to \$1,000 upon any circuit court clerk who provides remote access to land records through any means without a written certification of compatibility. The clerk shall be personally liable for any civil penalty imposed. The bill also prohibits any funds from being released from the Technology Trust Fund by the Compensation Board to any circuit court clerk or credited to any locality until the Board receives the written certification of compatibility. Any person whose property or person is injured by the release of any personal identifying information by any circuit court clerk who fails to receive the written certification of compatibility and who releases through a website established under the auspices of the clerk's office, a locality or a private provider may sue and recover for any damages sustained and the costs of suit. A claim of governmental immunity shall not be a defense to a suit under this section.

**SB 182 (Blevins) Freedom of Information Act (FOIA); exclusions from chapter; GIS systems.** Excludes from the mandatory disclosure requirements of FOIA maps contained in a geographic information system that are developed from a combination of high resolution technologies, including digital orthophotography, digital terrain models or related ancillary proprietary data produced by any local governing body or by the Virginia Geographic Information Network (VGIN) division of the Virginia Information Technologies Agency in accordance with § 2.2-2027. However, nothing in this subdivision shall be construed to prohibit the disclosure of base line mapping or topography, including flat-line computer drawings contained in a geographic information system from which the maps excluded by this subdivision may be developed. As to VGIN, the bill codifies existing law.